

Exhibit 16

PRE-DECISIONAL/DELIBERATIVE

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of the Director
Camp Springs, MD 20588-0009



U.S. Citizenship
and Immigration
Services

January 31, 2025

RECOMMENDATION

MEMORANDUM FOR THE SECRETARY

FROM: Jennifer B. Higgins JENNIFER B
Acting Director HIGGINS  Digitally signed by
JENNIFER B HIGGINS
Date: 2025.01.31
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SUBJECT: **Recommendation for the Venezuela 2023 Temporary Protected Status Designation**

Purpose: Venezuela's designation for Temporary Protected Status (TPS) will expire April 2, 2025. At least 60 days before a TPS designation expires, the DHS Secretary, after consultation with appropriate U.S. Government agencies, is required to review the conditions in a country designated for TPS to determine whether the conditions supporting the designation continue to be met.¹

As part of the review process, DHS consulted with the Department of State (DOS). On September 24, 2024, DOS provided a country conditions report and written recommendation that the designation of TPS for Venezuela be extended and to redesignate Venezuela for TPS for 18 months. In its recommendation, DOS stated that extraordinary and temporary conditions currently exist in Venezuela that prevent Venezuelan nationals from returning in safety. Additionally, DOS stated that redesignation would demonstrate solidarity with the Venezuelan people and the many Western Hemisphere countries that host Venezuelan refugees and migrants.² DHS notes that the conditions that precipitated the designation of TPS for Venezuela continue; however, there are improvements in several areas.

TPS Overview:

- Venezuela has two existing designations for TPS.
- First Venezuela designation ('2021 designation'):
 - Initial designation on March 9, 2021: Venezuela was initially designated for TPS on March 9, 2021 on the basis of extraordinary and temporary conditions that prevented

¹ See Immigration and Nationality Act (INA) sec. 244(b)(3)(A). See also Attachment A: Temporary Protected Status Legal Authority.

² See DOS Recommendation and Country Conditions Report on TPS for Venezuela.

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- nationals of Venezuela from returning in safety, and a finding that it was not contrary to the national interest of the United States to permit Venezuelan TPS beneficiaries to remain in the United States temporarily.³
- The 2021 designation was extended for 18 months on September 8, 2022⁴ and again on October 3, 2023.
- The 2021 designation expires on September 10, 2025.
- Second Venezuela designation ('2023 redesignation'):
 - Venezuela was redesignated for TPS on October 3, 2023 on the basis of extraordinary and temporary conditions that prevented nationals of Venezuela from returning in safety, and a finding that it was not contrary to the national interest of the United States to permit Venezuelan TPS beneficiaries to remain in the United States temporarily.⁵ This created a dual designation track for Venezuela, the 2021 designation and the 2023 redesignation.
 - Secretary Mayorkas extended the 2023 redesignation for 18 months on January 17, 2025. That 18-month extension was vacated by Secretary Noem on January 29, 2025.
 - The 2023 redesignation expires on April 2, 2025.

There are currently approximately 607,200⁶ beneficiaries, approximately 60,300⁷ pending initial applications, and approximately 20,500⁸ pending re-registration applications under both of Venezuela's TPS designations.

Description of Country Conditions: Venezuela was initially designated for TPS due to a severe humanitarian emergency marked by an economic contraction, deepening poverty, reduced access to food and medicine, a collapse in basic services, fuel shortages, human rights abuses and political repression, crime and violence, and increased human mobility and displacement. These conditions persist, but with noted improvements in several areas.

Economy

While the Venezuelan economy remains in crisis, sources indicate that Venezuela is experiencing moderate economic recovery and growth following years of financial difficulties.⁹ Venezuela had "an average annual growth of 4% in 2021 to 2023," according to "an economist at the Venezuelan economic firm, Ecoanalitica."¹⁰ Sources also indicate that the Venezuelan government "has had some success in curbing formerly sky-high inflation," with annual inflation falling "to around 50% over the last year as the government restricted credit, held the exchange rate steady and curbed

³ See *Designation of Venezuela for Temporary Protected Status and Implementation of Employment Authorization for Venezuelans Covered by Deferred Enforced Departure*, 86 FR 13574 (Mar. 9, 2021).

⁴ See *Extension of the Designation of Venezuela for Temporary Protected Status*, 87 FR 55024 (Sept. 8, 2022).

⁵ See *Extension and Redesignation of Venezuela for Temporary Protected Status*, 88 FR 68130 (Oct. 3, 2023).

⁶ Estimate as of January 8, 2025.

⁷ Estimate as of January 8, 2025.

⁸ Estimate as of January 8, 2025.

⁹ Alonso Moleiro, Venezuela experiences an economic recovery in times of electoral uncertainty, *El País* (Spa.), Jul. 22, 2024, available at: <https://english.elpais.com/economy-and-business/2024-07-22/venezuela-experiences-an-economic-recovery-in-times-of-electoral-uncertainty.html> (last visited Aug. 20, 2024).

¹⁰ Why Venezuela is no longer in freefall, The Indicator from Planet Money, National Public Radio (NPR), May 8, 2024, available at: <https://www.npr.org/transcripts/1197964529> (last visited Aug. 20, 2024).

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public spending.”¹¹ The Maduro government has adopted a series of economic reforms that have led to a “reduction in year-on-year inflation, a recovery of purchasing power, and some improvement in trade.”¹²

Public Health

There was incremental improvement in the life expectancy of Venezuelans, from 2000 to 2024.¹³ The Office of the High Commissioner for Human Rights (OHCHR) highlighted the Venezuelan government’s “efforts to address infectious diseases through sensitization programmes across the national territory and strengthening of epidemiological surveillance capacities.”¹⁴ OHCHR also mentioned that the “revamping of the vaccination programme, with the support of the United Nations International Child’s Emergency Fund (UNICEF), contributed to declaring Venezuela free of measles in November 2023.”¹⁵

Access to Basic Services (including Electricity, Water, & Fuel)

Venezuela “experiences regular power outages,”¹⁶ while “interruptions in electrical service” are reportedly “common.”¹⁷ However, reports indicate that in the last six months, power outages have diminished. “Many of the energy problems have subsided as the South American nation’s economy has stabilized, high inflation has eased and a de facto dollarization has reduced shortages of imported goods.”¹⁸

Education

There is new focus on the education system and support for teachers. In October 2024, for example, Maduro announced a plan to provide improvements for teachers and the educational

¹¹ Mayela Armas, Venezuela inflation has cooled - but voters say they still can't make ends meet, Reuters, Jul. 23, 2024, available at: <https://www.reuters.com/world/americas/venezuela-inflation-has-cooled-voters-say-they-still-can-t-make-ends-meet-2024-07-23/> (last visited Aug. 20, 2024).

¹² Alonso Moleiro, Venezuela grapples with economic collapse, El Pais, Jan. 17, 2025, available at: <https://english.elpais.com/international/2025-01-18/venezuela-grapples-with-economic-collapse.html> (last access Jan. 28, 2025).

¹³ Pan American Health Organization, Venezuela – Country Profile, Sept. 24, 2024, available at: <https://hia.paho.org/en/country-profiles/venezuela> (last accessed Jan. 28, 2025).

¹⁴ Situation of human rights in the Bolivarian Republic of Venezuela, Office of the United Nations High Commissioner for Human Rights (OHCHR), Jun. 28, 2024, pg. 4, available at: <https://reliefweb.int/report/venezuela-bolivarian-republic/situation-human-rights-bolivarian-republic-venezuela-report-united-nations-high-commissioner-human-rights-ahrc5663-advance-unedited-version> (last visited Aug. 20, 2024).

¹⁵ Situation of human rights in the Bolivarian Republic of Venezuela, Office of the United Nations High Commissioner for Human Rights (OHCHR), Jun. 28, 2024, pg. 4, available at: <https://reliefweb.int/report/venezuela-bolivarian-republic/situation-human-rights-bolivarian-republic-venezuela-report-united-nations-high-commissioner-human-rights-ahrc5663-advance-unedited-version> (last visited Aug. 20, 2024).

¹⁶ Venezuela Country Security Report, Overseas Security Advisory Council (OSAC), U.S. Department of State, last updated Mar. 26, 2024, available at: <https://www.osac.gov/Content/Report/34f99e62-2161-412d-bfeb-1e752539f6bf> (last visited Aug. 23, 2024).

¹⁷ Clare Ribando Seelke, Venezuela: Political Crisis and U.S. Policy, Congressional Research Service (CRS), updated Sep. 1, 2023, pg. 1, available at: <https://crsreports.congress.gov/product/pdf/IF/IF10230> (last visited Aug. 23, 2024).

¹⁸ Associate Press, Major power outage hits Venezuela’s capital, with Maduro government blaming ‘sabotage,’ Aug. 30, 2024, available at: <https://apnews.com/article/venezuela-power-outage-b8f412456bdbba9c9e2fb17039ba4cc9> (last accessed Jan. 28, 2025).

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system.¹⁹ The plan includes providing teachers a “digital credit-based purchasing program for acquiring goods, a new healthcare plan, coverage for urban transportation, and a monthly subsidy that includes food bags. Additionally, the country’s network of public schools, which have deteriorated significantly in recent years, will undergo a comprehensive maintenance plan, for which Maduro has requested logistical assistance from the Armed Forces.”²⁰

Crime & Insecurity

Venezuela was once considered the most dangerous country in Latin America.²¹ However, “a discernible reduction in the overall levels of violence could be observed” in 2023 and 2024.²² Various factors behind the apparent decline in crime includes Venezuela’s “large-scale operations conducted by security forces against criminal groups” and criminal migration into other countries seeking new opportunities for crime.²³ The “monopolization of violence in some regions” by “non-state armed groups,” as well as pacts between Maduro representatives and some criminal groups, have also reportedly contributed to improved security in certain areas.²⁴

National Interest of the United States

“As of November 2020, more than 5.4 million refugees and migrants from Venezuela” were outside of Venezuela.²⁵ Recent estimates indicate that there are over “7.7 million Venezuelan refugees and migrants worldwide, of which 84% (6.5 million) are in Latin America and the Caribbean.”²⁶ Challenges, such as poor treatment and lack of opportunities, faced by Venezuelan nationals in host countries “have led to an increase in the mass and continuous movements of Venezuelan nationals from one country to the other in search of asylum or settlement.”²⁷ In 2023,

¹⁹ Alonso Moleiro, Venezuela calls on retired teachers to return to school amid staff shortages, El País, Oct. 10, 2024, available at: <https://english.elpais.com/international/2024-10-10/venezuela-calls-on-retired-teachers-to-return-to-schools-amid-staff-shortages.html> (last accessed Jan. 28, 2025).

²⁰ Alonso Moleiro, Venezuela calls on retired teachers to return to school amid staff shortages, El País, Oct. 10, 2024, available at: <https://english.elpais.com/international/2024-10-10/venezuela-calls-on-retired-teachers-to-return-to-schools-amid-staff-shortages.html> (last accessed Jan. 28, 2025).

²¹ Venezuela Investigative Unit, Why Is Venezuela’s Crime Rate Falling?, InSight Crime, May 28, 2024, available at: <https://insightcrime.org/news/venezuela-crime-rate-falling/> (last visited Sep. 3, 2024).

²² Annual Report Violence 2023, Venezuelan Violence Observatory (OVV), Dec. 28, 2023, pg. 30, available at: <https://observatoriodeviolencia.org.ve/wp-content/uploads/2024/01/OVV-Violence-in-Venezuela-Annual-Report-2023.pdf> (last visited Sep. 3, 2024); Venezuela Investigative Unit, Why Is Venezuela’s Crime Rate Falling?, InSight Crime, May 28, 2024, available at: <https://insightcrime.org/news/venezuela-crime-rate-falling/> (last visited Sep. 3, 2024).

²³ Venezuela Investigative Unit, Why Is Venezuela’s Crime Rate Falling?, InSight Crime, May 28, 2024, available at: <https://insightcrime.org/news/venezuela-crime-rate-falling/> (last visited Sep. 3, 2024).

²⁴ Venezuela Investigative Unit, Why Is Venezuela’s Crime Rate Falling?, InSight Crime, May 28, 2024, available at: <https://insightcrime.org/news/venezuela-crime-rate-falling/> (last visited Sep. 3, 2024).

²⁵ Regional Refugee and Migrant Response Plan, January – December 2021, R4V, available at: <https://r4v.info/rmrp2021/> (last accessed Jan. 28, 2025).

²⁶ Venezuela Situation, Global Appeal 2024, UNHCR, available at: <https://reporting.unhcr.org/venezuela-situation-global-appeal-2024> (last accessed Jan. 28, 2025).

²⁷ Annual Report 2023 - Chapter IV.B - Venezuela, Inter-American Commission on Human Rights (IACHR), Apr. 25, 2024, pg. 737, available at:

https://www.oas.org/en/iachr/docs/annual/2023/chapters/IA2023_Cap_4B_Venezuela_ENG.PDF (last visited Sep. 4, 2024); Gabriela Mesones Rojo and Iván Reyes, Hunger, healthcare, and schools: Reasons to leave Venezuela (along with a Maduro poll win), The New Humanitarian, Jun. 25, 2024, available at:

<https://www.thenewhumanitarian.org/analysis/2024/06/25/hunger-healthcare-schools-reasons-leave-venezuela-maduro-poll-win> (last visited Jan. 28, 2025).

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at least 328,000 Venezuelans – more than double the previous year – took the treacherous Darién Gap route to Central America; most of them trying to reach the United States.²⁸

This migration phenomenon continues to cause a range of problems in the United States. For example, a Venezuelan gang known as *Tren de Aragua* has successfully projected its power abroad.²⁹ In the United States, the gang has been blamed for sex trafficking, drug smuggling, police shootings, and the exploitation of migrants, and the United States has sanctioned the gang and placed it on a list of transnational criminal organizations.³⁰

Termination Determination

Conditions in Venezuela remain challenging, but notable improvements indicate that the conditions that precipitated the initial TPS designation no longer continue. Venezuela no longer continues to meet the statutory requirements for its TPS designation. As such, the statute requires that the TPS designation be terminated.

Additionally, USCIS believes that it may be contrary to the national interest of the United States to permit Venezuelan TPS beneficiaries to remain in the United States. This determination differs from the DOS recommendation. Given the noted criminal activity of some Venezuelan nationals, we recommend the Secretary terminate the TPS designation of Venezuela.

Termination ends TPS benefits for existing Venezuelan TPS beneficiaries. Upon the termination of TPS benefits, former beneficiaries without another immigration status or authorization to remain would no longer have permission to work and remain in the United States. They may, however, apply for other immigration benefits for which they may be otherwise eligible (e.g., asylum, lawful permanent residence).

Effective Date

The effective date of the termination may not be earlier than 60 days after the date the *Federal Register* notice announcing the termination is published or, if later, the expiration of the most recent previous extension. There is no transition or wind-down period, pending TPS applications will not be adjudicated, and current beneficiaries may not apply to extend their employment authorization documentation past the effective date of termination.

²⁸ Gabriela Mesones Rojo, Hunger, healthcare, and schools: Reasons to leave Venezuela (along with a Maduro poll win), The New Humanitarian, June 25, 2024, available at: <https://www.thenewhumanitarian.org/analysis/2024/06/25/hunger-healthcare-schools-reasons-leave-venezuela-maduro-poll-win> (last accessed Jan. 28, 2025).

²⁹ InSight Crime, Tren de Aragua, July 12, 2024, available at: <https://insightcrime.org/venezuela-organized-crime-news/tren-de-aragua/> (last accessed Jan. 28, 2025).

³⁰ Joshua Goodman, Tren de Aragua gang started in Venezuela's prisons and now spreads fear in the US, Associated Press, Sept. 24, 2024, available at: <https://apnews.com/article/tren-de-aragua-gang-venezuela-us-a12c8fee9dc4a0ca73769ea893e09e53> (last accessed Jan. 28, 2025).

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Recommendation: Conditions in Venezuela remain challenging, but notable improvements indicate that the conditions that precipitated the initial TPS designation no longer continue. Venezuela no longer continues to meet the statutory requirements for its TPS designation. Therefore, USCIS recommends that you terminate the 2023 designation of TPS for Venezuela.